

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

IN THE MATTER OF THE  
EXTRADITION OF EUSTOLIO  
GONZALEZ GONZALEZ,

Defendant.

Case No. [09-mj-70576-DMR-1](#)

**ORDER ON PETITIONER'S  
CONTINUED RELEASE**

In these proceedings, the government of Mexico seeks the extradition of Eustolio Gonzalez Gonzalez, who was charged with attempted homicide in Mexico in 2009. In April 2012, the undersigned found that there was sufficient evidence to sustain the underlying charge pursuant to the governing extradition treaty. The court certified that finding to the Secretary of State for a final extradition decision pursuant to 18 U.S.C. § 3184. [Docket No. 53.] On March 27, 2015, the court denied Mr. Gonzalez's motion to stay certification of his extradition. The court also ordered supplemental briefing regarding Mr. Gonzalez's continued release on bond under the supervision of the Pretrial Services Office. [Docket No. 74.] The parties timely filed the requested briefing. [Docket Nos. 75, 76 (Gov't's Supplemental Br.), 77.]

Having reviewed the parties' submissions, the court finds that Mr. Gonzalez's serious health conditions constitute special circumstances that justify his continued release pending extradition. *See Salerno v. United States*, 878 F.2d 317, 317 (9th Cir. 1989). Mr. Gonzalez is 85 years old and is being treated for hypertension, degenerative joint disease, osteoarthritis, hyperlipidemia, vertigo, cataracts, and possible glaucoma. He uses a walker, and is otherwise unsteady on his feet. He takes many daily medications, which are administered by his daughter because the task is too confusing for him to perform on his own.

The court also finds that the release conditions that have been in place for nearly six years

are sufficient to mitigate flight risk and danger to the community. These conditions include electronic location monitoring. Mr. Gonzalez's compliance with his release conditions has been supervised by Pretrial Services since 2009 without incident.

The government represents that Mexican authorities are willing to arrange to be present on a date certain to transfer Mr. Gonzalez to Mexico the same day, once Mr. Gonzalez is in the custody of the U.S. Marshal. The U.S. Marshal is also willing to take Mr. Gonzalez into custody on that date with the goal of effecting his transfer to Mexico that same day, pursuant to court order. (Gov't's Supplemental Brief 2.) Therefore, pending notification of a proposed extradition date from the Mexican authorities, Mr. Gonzalez shall remain out of custody, subject to the current conditions of his release. Once the court receives notification of the proposed extradition date, the court will issue an order regarding Mr. Gonzalez's surrender.

**IT IS SO ORDERED.**

Dated: April 23, 2015

